

Fargo North Dakota

DECEMBER 4 – 5

2008

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Bismarck, ND  
Permit No. 419

2008 Real Property, Probate & Trust Seminar

**REGISTRATION FORM** *Please print*

Attendee Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_ Telephone \_\_\_\_\_

**REGISTRATION**

Registration fee includes course booklet, 2008 Title Standards updates, continental breakfasts, and lunch. Advance registrations must be received by November 27, 2008. After that attendees must register on site.

Cancellations must be received in writing 10 days in advance of seminar to receive a cash refund, otherwise book will be sent.

**Please make checks payable to SBAND.**

- o \$155 per person prior to November 27
- o \$160 per person beginning November 27 (on-site registration)
- o \$175 – I am unable to attend. Please send the materials & CD. (includes shipping and handling)

Enclosed is my check with the total amount of: \$ \_\_\_\_\_

Please charge this to my \_\_\_\_\_ MasterCard \_\_\_\_\_ Visa

Account # \_\_\_\_\_

Expiration Date \_\_\_\_\_ Thank you!

**Four easy ways to REGISTER**

By Mail P.O. Box 2136, Bismarck, ND 58502

By Phone 1-800-472-2685 or 701-255-1404

Online at [www.sband.org](http://www.sband.org)

By Fax 701-224-1621

State Bar Association of North Dakota  
PO Box 2136  
Bismarck, ND 58502-2136

Proudly sponsored by the State Bar Association of North Dakota and the Real Property, Probate & Trust Section

2008  
*Real Property,  
Probate & Trust  
Section Seminar*



State Bar Association  
of North Dakota

THURSDAY, DECEMBER 4, 2008

FRIDAY, DECEMBER 5, 2008

*Seminar will be held at the.....*

Ramada Plaza Suites

Brahms Room

1635 42<sup>nd</sup> Street SW

Fargo, ND 58103

(701) 277-9000

**10.5 CLE Credits**  
CLE credit applied for in MN

**LODGING:** A block of sleeping rooms has been reserved at Ramada Plaza Suites. Contact the hotel at 701-277-9000 for reservations.

Room block will be released on November 21, 2008

STATE BAR ASSOCIATION OF NORTH DAKOTA

# FACULTY & SCHEDULE FACULTY & SCHEDULE FACULTY & SCHEDULE FACULTY & SCHEDULE

**TIM KARSKY** is a North Dakota native with an extensive background in the financial industry. Karsky obtained a B.S. Degree from Northern State College in 1981. He began his banking career with the Federal Deposit Insurance Corporation in January 1982, and joined the Department of Banking and Financial Institutions in the fall of 1986 as Chief Examiner. In 1989, Karsky was appointed Assistant Commissioner for the Department. He served in that capacity until 1997, when he moved into a new role as a loan officer for a Bismarck financial institution. Karsky returned to the Department as Assistant Commissioner in 1999, was appointed Commissioner in July, 2001, and is Chairman of the State Banking Board and State Credit Union Board, which oversees the state's state-chartered banks and credit unions.

**JACK G. MARCIL** is a 1968 graduate of the University of North Dakota School of Law. From 1968-1969, he was an assistant to the Attorney General for the State of North Dakota. Since April 1969, he has been involved in the private practice of law. Mr. Marcil is a past president of the Cass County Bar Association and the State Bar Association of North Dakota. He is certified as a Civil Trial Specialist by the Minnesota State Bar Association and has been certified as a Trial Advocate by the National Board of Trial Advocacy since 1980. He is qualified as a neutral Arbitrator and Mediator in North Dakota and Minnesota. He is also a member of the American College of Civil Trial Mediators. His areas of practice are litigation dealing with personal injury, wrongful death claims, the defense of medical and legal malpractice, school board matters, construction and commercial disputes.

**MICHAEL J. MAUS** is an attorney in private practice with the law firm of Hardy, Maus & Nordsvan, P.C. in Dickinson. He is a graduate of Dickinson, the University of North Dakota (B.S.), the University of Southern California (M.S.), and the University of Minnesota (J.D.). He spent four years in the service from 1971 to 1975. Maus is in the general practice of law and works in the area of litigation, oil and gas, real estate, estate planning and probate.

**JOHN W. MORRISON** is a shareholder with the firm of Fleck, Mather and Strutz, Ltd, and practices primarily in the area of natural resources and finance law. He received his B.A. from the University of Mary in 1975 and his J.D. from the University of North Dakota in 1978. He is a past trustee of the Rocky Mountain Mineral Law Foundation, past director and president of the North Dakota Petroleum Council and the Rocky Mountain Oil and Gas Association, past director of the American Petroleum Institute, and a member of Landman's Association of North Dakota. John is also a member of SBAND and ABA.

**KYLE NELSON** is a native of Hawley, MN, and a graduate of Mayville State University. He is a Certified General Appraiser in North Dakota and Minnesota, and a director in the North Dakota chapter of the American Society of Farm Managers and Rural Appraisers. Nelson has been with Alerus Botsford and Qualey Appraisals for eight years, specializing in the appraisal of agricultural real estate in eastern North Dakota and northwestern Minnesota, to include farmland and smaller scale ag. commercial improvements such as potato warehouses and equipment and grain storage. He also manages about 15,000 acres of farmland in the area for absentee landowners.

**ROBERT J. UDLAND** is a former Judge Advocate (JAG) in the United States Army and the North Dakota Army National Guard. Brigadier General Udland serves as the Assistant Adjutant General-Army, and Commander, Joint Training and Operations Command for the North Dakota National Guard. Bob has worked extensively with the Servicemembers Civil Relief Act and its predecessor, the Soldiers and Sailors Civil Relief Act, both on active duty and as a member of the National Guard. Bob is a member of the Vogel Law Firm, and currently practices in the areas of employment law, alternative dispute resolution, medical malpractice defense and health care law.

## Program Highlights

- Basic principles and fundamentals in performing real estate appraisals. Other topics of discussion to include undivided interest discounts, effect of restrictive easements on property values, market value vs. investment value, and current trends in real estate values.
- Negotiation of oil and gas leases, and the provisions of oil and gas leases from the mineral owner's perspective, surface damages and easements, and other mineral and surface owner issues.
- The nature of mineral ownership, the rights of mineral owners and lessees, and typical express and implied clauses and covenants of oil and gas leases.
- Definitions, jurisdiction and applicability of the SCRA to National Guard and Reserve soldiers ordered to report for military service; waiver of rights pursuant to written agreement; exercise of rights not to affect certain future financial transactions; and legal representatives.
- General relief under the SCRA, including protection against default judgments and stay of proceedings, including stay or vacation of execution of judgments, attachments and garnishments.
- The application of the SCRA to rent, installment, contracts, mortgages, liens, assignment and leases
- Evictions and distress, protection under installment contracts for purchase or lease; and mortgages and trust deeds.
- Settlement of estate cases relating to personal property; termination of residential leases; enforcement of storage liens and extension of protections to dependents.
- Anticipatory relief; powers of attorney; guarantee of residency for military personnel; and, business or trade obligations.
- What type of cases should you mediate? When should mediation occur? Do you know what result you are looking for before and during mediation? How do you use the mediator?

## DAY 1

Thursday, December 4, 2008

12:30 – 12:55	<b>Registration &amp; Refreshments</b>
12:55 – 1:00	<b>Welcome - Grant Shaft</b>
1:00 – 2:00	<b>The Servicemembers Civil Relief Act (SCRA) &amp; Real Estate Matters (1.0 hour)</b> <i>Bob Udland</i>
2:00 – 3:00	<b>Practical Tips for Mediation in Real Estate &amp; Probate Matters (1.0 hour) - Jack Marcil</b>
3:00 – 3:15	BREAK
3:15 – 4:45	<b>Fundamentals &amp; Current Issues in the Appraisal of Real Estate (1.5 hours) - Kyle Nelson</b>

## DAY 2

Friday, December 5, 2008

8:00 – 8:30	<b>Registration &amp; Continental Breakfast</b>
8:30 – 8:45	<b>Welcome - Grant Shaft</b>
8:45 – 9:45	<b>The Mortgage Crisis, the Problem of the Decade &amp; Where do We go from Here? How did We get into this Mess, What Caused it, How We Get Out of it, &amp; What will Prevent it from Happening again (1.0 hour) - Tim Karsky</b>
9:45 – 10:00	BREAK
10:00 – 12:00	<b>Nuts &amp; Bolts on Mineral Ownership &amp; Oil &amp; Gas Leases (2.0 hours) - John Morrison</b>
12:00 – 1:00	<b>Lunch (included in registration) &amp; Section meeting</b> Bach Room
1:00 – 3:00	<b>Leasing, Surface Damages &amp; Other Land &amp; Mineral Owner Issues (2.0 hours) - Michael J. Maus</b>
3:00 – 3:15	BREAK
3:15 – 5:15	<b>Title Standards Presentation: (2.0 hour)</b> Presentation of New Standards, Legislative Update & Forum Members of Title Standards Committee: <i>Robert Stroup II, Nevin Van de Streek, David Wanner, Grant Shaft, Dean Rindy, Richard Healy, Malcolm Brown, Bruce Selinger, Sean O. Smith</i>

(Submit your questions in advance to [gshaft@gfwireless.com](mailto:gshaft@gfwireless.com))

\*Agenda subject to change\*